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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91165229
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Correspondence Address	Rosemary S. Tarlton Morrison & Foerster LP 425 Market Street San Francisco, CA 94105 UNITED STATES Rtarlton@mofo.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Rosemary S. Tarlton
Filer's e-mail	rtarlton@mofo.com, lsimpson@mofo.com, DKera@oblon.com, Ezamora@oblon.com
Signature	/Rosemary S. Tarlton/
Date	12/30/2008
Attachments	Consented Suspension - As.pdf (3 pages)(84503 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ATHLETICS INVESTMENT GROUP LLC, D/B/A THE
OAKLAND ATHLETICS BASEBALL COMPANY

Opposer,

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF
ALABAMA,

Applicant.

Opposition No. 91165229

Trademark Trial and Appeal Board
Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

CONSENTED SUSPENSION REQUEST

Opposer, Athletics Investment Group LLC, d/b/a the Oakland Athletics Baseball Company, and Applicant, The Board of Trustees of The University of Alabama seek a further six (6) month suspension of all proceedings in the above-captioned opposition action. Counsel for the parties have been negotiating the terms of a settlement that, once finalized, will resolve all issues in the above-referenced proceeding. The finalization of the settlement terms has taken considerable time and effort as it relates to several marks applied for and/or used by Applicant. All issues remain subject to final resolution, and the parties cannot identify terms that have been finally resolved as all must be memorialized in a written settlement agreement. The open issues include the specific guidelines, clarifications and limitations on the use of the disputed marks.

Counsel for the parties had an extensive telephone conversation regarding settlement terms on August 14, 2008. At the beginning of September, counsel for Opposer experienced a family medical emergency that required her to be out of the office for much of the fall and that

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Docket No. 52933-24003.35

caused delay in proceeding with the settlement discussions. On December 29, 2008, counsel for Opposer forwarded a revised written agreement reflecting the August 14, 2008 negotiations and addressing certain of the marks at issue between the parties to Applicant's counsel for review. Opposer's counsel is currently finalizing, in consultation with Opposer, a written draft agreement concerning the remaining marks in dispute in these proceedings for review by Applicant and its counsel and expects to forward that agreement to counsel for Applicant in early 2009. The parties will work conscientiously on the further negotiation of any remaining open issues and finalization of written settlement agreements, and hope to have this matter concluded before the close of the requested further suspension.

Counsel for Applicant, David Kera, consented to this request in written communication with the undersigned by electronic mail on December 17, 2008.

This request is being submitted as required by TBMP 509.02. A copy of this document is being served on counsel for Applicant.

Dated: December 30, 2008

MORRISON & FOERSTER LLP

By: 

Rosemary S. Tarlton
Attorney for the Club

Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
Telephone: (415) 268-6810

PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on December 30, 2008, I served a copy of:

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

David J. Kera, Esq.
Oblon, Spivak, McClelland, Maier & Neustadt,
P.C.
1940 Duke Street
Alexandria, VA 22314-3454

Jeffrey M. Kaufman, Esq.
Oblon, Spivak, McClelland, Maier & Neustadt
P.C.
1940 Duke Street
Alexandria, VA 22314-3454

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 30th day of December, 2008.

Lorna Simpson
(typed)


(signature)